

DOCKET NO: 243028US0DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TOSHIMITSU TETSUI, ET AL. : EXAMINER: MORILLO, J.C.
SERIAL NO: 10/667,651 : GROUP ART UNIT: 1793
FILED: SEPTEMBER 23, 2003 : RCE FILED: JULY 14, 2008
FOR: TIAL BASED ALLOY, :
PRODUCTION PROCESS THEREFOR,
AND ROTOR BLADE USING SAME

SECOND DECLARATION UNDER 37 CFR § 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

I, Kentaro SHINDO, hereby declare and state:

1. I am a citizen of Japan, residing at 2-24-24-503, Izumi-machi, Nagasaki, Japan.
2. I executed the Declaration Under 37 CFR § 1.132 filed April 11, 2008, in the above-identified application.
3. In the Declaration Under 37 CFR § 1.132 filed April 11, 2008, the composition of the test piece was Ti-42Al-8V (at%).
4. U.S. Patent No. 5,370,839 ("Masahashi") at column 5, lines 44-47, discloses that a molten alloy specimen was subjected to a homogenizing heat treatment at a temperature between 1273 K (1000°C) and the solidus temperature for a period of 2 to 100 hours.
5. In the Declaration Under 37 CFR § 1.132 filed April 11, 2008, the homogenization heating was at 1250°C for 20 minutes. The heating temperature is within Masahashi's range of 1000°C to the solidus temperature. However, the heating time is outside of Masahashi's range of 2 to 100 hours.

6. Although the homogenization heating time of 20 minutes in the comparative experiment in the Declaration Under 37 CFR § 1.132 filed April 11, 2008, is not within Masahashi's range of homogenization heating time, the comparative experiment is still valid for demonstrating differences between Masahashi and the present invention, because the heating in the comparative experiment was sufficient to achieve homogenization.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

8. Further declarant saith not.

Date: _____

Kentaro SHINDO